

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KENNETH STEVEN HONTZ,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

No. C11-5232 BHS/KLS

ORDER GRANTING EXTENSION OF  
TIME AND DIRECTING AMENDMENT  
OF PETITION

On March 24, 2011, Petitioner Kenneth Steven Hontz filed a petition for writ of habeas corpus. ECF No. 1. He also filed a motion to file a supporting brief and a motion for extension of time for filing a supporting brief. ECF Nos. 2 and 3. Mr. Hontz states that he is currently incarcerated at the Thurston County Jail on an unrelated charge and has no access to his legal paperwork, a viable law library, or word processing supplies. He states that he will be transferred to a less restrictive status on April 5, 2011 and requests an extension until May 5, 2011 to file his brief. ECF No. 3.

The court finds that the extension shall be granted. In addition, Petitioner is advised that the proper respondent to a habeas petition is the “person who has custody over [the petitioner].” 28 U.S.C. § 2242; see also § 2243; *Brittingham v. United States*, 982 F.2d 378 (9th Cir. 1992); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). Mr. Hontz has named only the State of Washington as a respondent. According to his petition, Mr. Hontz is currently confined at the Thurston County Jail in Olympia, Washington, on an unrelated charge. (The Corrections Facility


1 Administrator of the Thurston County Jail is Todd Thoma.) However, it appears that Petitioner  
2 expects to be transferred to another facility next month. Therefore, the name of the custodian  
3 where Petitioner will be confined should be included in his petition.

4 Accordingly, it is **ORDERED**:

5 (1) Petitioner's motions to file brief and for an extension of time (ECF Nos. 2 and 3)  
6 are **GRANTED**; Petitioner shall file his brief in support of habeas petition **on or before May 6,**  
7 **2011.**

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9 (2) Petitioner shall amend his petition to reflect the name of his custodian **on or**  
10 **before May 6, 2011.**

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12 **DATED** this 29th day of March, 2011.

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15 Karen L. Strombom  
16 United States Magistrate Judge  
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